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In the Supreme Court of the United States

OCTOBER TERM, 1995

TURNER BROADCASTING SYSTEM, INC., ET AL.,
APPELLANTS

v.

FEDERAL COMMUNICATIONS COMMISSION, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SUPPLEMENTAL MEMORANDUM FOR THE FEDERAL APPELLEES

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3 pp

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This supplemental memorandum is submitted pursuant to this Court's Rule 15.8. On February 8, 1996, the President signed into law the Telecommunications Act of 1996, Pub. L. No. 104-104 (1996 Act). The 1996 Act does not alter or repeal the must-carry provisions under challenge in this case, Sections 614 and 615 of the Communications Act of 1934, 47 U.S.C. 534 and 535 (Supp. V 1993). Accordingly, cable operators continue to be subject to the must-carry provisions.

The 1996 Act also provides that "open video systems" operated by local telephone companies for the purpose of providing video programming to subscribers are subject to the must-carry rules. See new Section 653(c)(1)(B) of the Communications Act, added by 1996 Act Section 302(a). Congress has directed the Federal Communications Commission, within six months, to adopt regulations implementing the must-carry provisions for open video systems. See new Section 653(c)(2)(A).

Respectfully submitted.

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Solicitor General

FEBRUARY 1996